

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP,)
BI-LEVEL PAP, AND MECHANICAL)
VENTILATION PRODUCTS) Master Docket: Misc. No. 21-1230
LITIGATION)
)
) MDL No. 3014
This Document Relates to:)
Gayla Graham et al. v. Respiration, Inc.)
et al., 2:22-cv-00224-JFC)
)

* * * * *

PLAINTIFFS' SUR-REPLY TO DEFENDANTS' MOTION TO ADJOURN REMAND
MOTION BRIEFING SCHEDULE

Come the Plaintiffs, by counsel, and for their Sur-Reply to Defendants' Motion to Adjourn Remand Motion Briefing Schedule (Doc. No. 2250), hereby state as follows:

For the reasons previously stated, Plaintiffs disagree another extension of the remand motion briefing schedule is warranted; however, as a practical matter, the mere filing of the subject Motion has essentially afforded the Defendants the relief they have requested.¹ Accordingly, in the interest of judicial economy, Plaintiffs do not object to the briefing schedule proffered by the Defendants. *See* Doc. No. 2334 at 7.

In the interest of fairness, Plaintiffs respectfully request this be the last extension given to the Defendants on the issue of remand. Plaintiffs have claims expressly permitted under Kentucky law against two non-diverse distributors which are being prejudiced by the delay associated with Defendants' unreasonable removal of this case. The record will reflect the lengths Plaintiffs have

¹ Pursuant to Court Order, remand briefing is currently scheduled to close on this date. *See* Doc. No. 1901.

gone over the last two and a half years to have their case returned to the appropriate forum. The time has come for this inequity to be cured.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify on November 30, 2023 a copy of the foregoing was filed electronically through the CM/ECF system, and that a true and correct copy was automatically served via electronic mail, upon:

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